

REMARKS

In the Examiner's Action mailed April 23, 2004, the status of the claims was indicated as follows: claims 17-19 are allowed; claims 3, 9-12, 14 and 16 are objected to as depending from a rejected claim but were found to recite features not present in the prior art, claims 1, 2, 4-8, 13 and 15 were rejected. Applicant affirms that Claims 20-25 were withdrawn from consideration as being non-elected claims, and are hereby cancelled without prejudice pending the possible filing of a divisional application. Claims 1-19 were originally filed and claims 26-31 are added herein. This application is believed to be in a condition for allowance. Reconsideration and allowance is requested.

Claim 1 and dependent claims 2, 4-8, 13 and 15 were rejected under 35 U.S.C. § 103 as being obvious over Doong, U.S. Pat. No. 6,577,149 and further in view of Ivanov, U.S. Pat. No. 6,194,739. This rejection is hereby respectfully traversed.

Applicants respectfully submit that the Doong reference relied upon by the examiner is not available as a reference under 35 U.S.C. § 103(a) due to the provisions of 35 U.S.C. § 103(c). For applications filed after November 29, 1999, 35 U.S.C. § 103(c) provides that references available as prior art under sections (e), (f) or (g) of 35 U.S.C. § 102 shall not preclude patentability under § 103 when, at the time the claimed invention was made, the references were commonly owned with, or under a common obligation to assign, as the claimed invention.

Doong was published July 11, 2002, which is less than twelve months prior to the filing date of the instant application, June 24, 2003. Doong issued as a patent after the filing date of the subject application. Accordingly Doong is only available as prior art under 35 U.S.C. § 102(e). 35 U.S.C. § 103(c) therefore applies.

Statement of Common Ownership

The instant application and the Doong patent, U.S. Pat. No. 6,577,149 B2, at the time the inventions of the application were made, were owned by Taiwan Semiconductor Manufacturing Company, Ltd.

Accordingly, the relied-upon Doong reference is not available as prior art under 35 U.S.C. § 103, the combination relied upon by the Examiner cannot be used as grounds for a rejection, and the rejected independent claim 1 and the dependent claims are therefore allowable over the rejection. Reconsideration and allowance are requested for claims 1, 2, 4-8, 13 and 15.

Dependent claims 3, 9-12, 14 and 16 were objected to as depending from a rejected claim. As the parent claim 1 is now allowable over the prior art, these dependent claims, which incorporate the features of Claim 1 and recite additional patentable features not shown in the prior art, are also allowable. Reconsideration and allowance of these claims is therefore also respectfully requested.

Claims 26-31 are newly added herein to further define the Applicants' invention. Claims 26-31 are drawn to embodiments described in paragraphs 0052-0059, in Figure 7, and in the table on page 22. No new matter is entered. Claims 26-31 recite elements not shown in the prior art. Consideration and allowance of these claims is requested.

This application is now believed to be in a condition for allowance. Accordingly, it is requested that the application be allowed to proceed to issue. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Mark E. Courtney, Applicants' attorney, at 972-732-1001 so that such issues may be resolved as expeditiously as possible. No fee is believed due in connection with this filing.

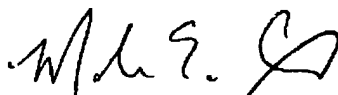
However, should one be deemed due, the Commissioner is hereby authorized to charge Deposit

Account No. 50-1065.

Respectfully submitted,

July 19, 2004

Date



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